

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UMG RECORDINGS, INC., a Delaware
corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; ARISTA RECORDS LLC, a
Delaware limited liability company; CAPITOL
RECORDS, INC., a Delaware corporation; and
WARNER BROS. RECORDS INC., a Delaware
corporation,

Plaintiffs,

-against-

ROBIN GIFFORD,

Defendant.

Civil Action No.: 05CV1520 (DGT)(RML)

Filed Electronically

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 14 2005 ★

P.M. _____
TIME A.M. _____

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Application For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the eight sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand Dollars (\$6,000.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred Ninety-Five Dollars (\$395.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Unpretty," on album "Fanmail," by artist "TLC" (SR# 298-454);
- "Higher Ground," on album "Mother's Milk," by artist "Red Hot Chili Peppers" (SR# 107-737);
- "Peace Sells," on album "Peace Sells...But Who's Buying?," by artist "Megadeth" (SR# 81-043);
- "One Step Closer," on album "Hybrid Theory," by artist "Linkin Park" (SR# 288-402);
- "Jackass," on album "Warning," by artist "Green Day" (SR# 288-352);
- "Dragula," on album "Hellbilly Deluxe," by artist "Rob Zombie" (SR# 257-901);
- "Smile," on album "No Code," by artist "Pearl Jam" (SR# 230-851);
- "The Way You Like It," on album "Adema," by artist "Adema" (SR# 302-233);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall

destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: 9/9/05

By: s/David G. Trager
Hon. David G. Trager
United States District Judge